

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17993 OF 2006

Dated: 22nd September, 2006.

Between :

1. Syed Gaffar and another. .. Petitioners

And

The Regional Transport Officer,
Regional Transport Authority, Bahadurpura,
Hyderabad South Zone, Hyderabad. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17993 OF 2006

ORDER :

This writ petition is filed seeking a declaration that the action of the respondent – Regional Transport Officer, Bahadurpura, Hyderabad South Zone, Hyderabad, in not affecting transfer of ownership in respect of the vehicles of the petitioners as sought by them in the applications, dated 13-7-2006 and 20-7-2006 respectively as arbitrary and illegal.

It is stated that the 1st petitioner had purchased six goods vehicles in the State of West Bengal and a No Objection Certificate (NOC) was obtained from the Regional Transport Officer, Burdwan of State of West Bengal for transfer of ownership. Similarly, the 2nd petitioner claims to have purchased four goods vehicles from the State of West Bengal and obtained No Objection Certificate from the concerned R.T.O. at Siluguri.

Both the petitioners made applications before the respondent enclosing the said NOCs and requesting the respondents for re-registration in the State of Andhra Pradesh and for change of address. The necessary tax was paid by the petitioners and the required documents were also submitted. It is claimed that the NOCs submitted by the petitioners were sent to the concerned RTOs at West Bengal for confirmation and the required endorsements were also made confirming the genuineness of the same. It is alleged that in spite of the confirmation of NOC issued by the concerned officials at

West Bengal, the respondent did not affect the transfer of ownership as sought by the petitioners. Hence, this writ petition.

The respondent filed a counter-affidavit stating that having received the six applications from the 1st petitioner, separate letters dated 13-7-2006 were addressed to the Regional Transport Officer, Burdwan, West Bengal for confirmation and genuineness of registration particulars. The copies of the said letters were also marked to the petitioner No.1 informing him that action will be taken on his applications after receipt of the confirmation. The office of the respondent received return copies of the above said letters dated 13-7-2006 with an endorsement on the reverse side in handwriting dated 1-8-2006 confirming the issuance of NOC. However, immediately, thereafter the respondent had also received a memo dated 8-8-2006 from the Registering Authority, Burdwan intimating that their office did not issue any NOCs as mentioned in the letters dated 13-7-2006. In view of the contradictory information received, the respondent again addressed a letter dated 29-8-2006 enclosing the copies of endorsements dated 1-8-2006 and requesting to clarify whether the said endorsements were made by their office or not. That apart, the 1st petitioner was also directed to produce the vehicles for physical verification which he failed to comply.

So far as the 2nd petitioner is concerned, four separate letters dated 25-7-2006 were addressed to the Regional Transport Officer, Siluguri, West Bengal for confirmation and for confirmation of the genuineness of the registration particulars submitted by the 2nd petitioner. In response, the office of the respondent received four memos from the RTO, Siluguri confirming the NOCs. However, on scrutiny of the documents submitted by the 2nd petitioner with that of the confirmation memos, it was noticed that the dates and seal on the memos were not tallying with each other. Hence, having entertained a doubt about the genuineness of the confirmation of NOCs, the 2nd

petitioner was requested to produce the vehicles for physical verification, but she failed to respond. The respondent also addressed a letter dated 29-8-2006 to the Registering Authority, Siluguri, West Bengal to clarify the correctness of the confirmation letter.

Since such confirmation has not yet been received from the original Registering Authority at Burdwan and Siluguri, the transfer of ownership as sought by the petitioners could not be affected. All other allegations made by the petitioners including that the employees in the office of the respondent have been deliberately delaying the proceedings have been denied and it is stated that the respondent has been taking all necessary steps in accordance with law.

I have heard the learned Counsel for both the parties and perused the material on record.

From the counter-affidavit, it is clear that the respondent having entertained a doubt as to the genuineness of the confirmations received from the original Registering Authorities at Burdwan and Siluguri sought for clarifications, which are still awaited. No affidavit-in-reply is filed and no other material has been placed before this Court contradicting the said version of the respondents.

The learned Government Pleader has also placed before this Court the Circulars dated 16-10-1995 and 20-2-2003 under which all the registering authorities were instructed to confirm the genuineness of the registration particulars and NOC of the vehicle from the original registering authority whenever any vehicle comes for entering on the rolls of the registering authorities in A.P. from other States.

In the circumstances, there is absolutely no justifiable reason to find fault with the procedure adopted by the respondent. The allegations made by the petitioners are unfounded and the writ petition appears to be misconceived.

For the aforesaid reasons, the Writ Petition is dismissed. No costs.

G. ROHINI, J.

Dt. 22-9-2006
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